

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT COURT OF MASSACHUSETTS**

Ina Steiner,
David Steiner,
Steiner Associates, LLC,
(*Publisher of EcommerceBytes*)
Plaintiffs

vs.

eBay, Inc., et al.,
Defendants

CASE NO: 1:21-cv-11181-PBS

**PARTIALLY ASSENTED-TO¹ MOTION TO RECONSIDER SO MUCH OF
COURT'S ORDER NO. 171 DENYING MOTION FOR EXTENSION OF TIME TO
FILE AN AMENDED COMPLAINT**

Now come the Plaintiffs and respectfully request that this Court reconsider Order No. 171, to the extent that it denied Plaintiffs request for additional time to file the Amended Complaint, and grant an extension of time for fourteen days to March 1, 2023. In support thereof, Plaintiffs state the following:

1. The Plaintiffs, David and Ina Steiner and Steiner Associates, LLC, filed a Complaint against eBay, Progressive Force Concepts (“PFC”), two eBay executives – Devin Wenig and Steve Wymer – and various other employees of eBay and PFC – Jim Baugh, David Harville, Brian Gilbert, Philip Cooke, Stephanie Popp, Stephanie Stockwell, and Veronica Zea – on July 21, 2021.

¹ The following defendants have assented to this motion: Veronica Zea, Stephanie Stockwell, Stephanie Popp, Jim Baugh, and Devin Wenig. As of 2:00 P.M. today we have not heard from the remaining defendants as to whether or not they assent.

2. Defendants filed various motions to dismiss, Plaintiffs responded in a consolidated opposition, and then the Defendants filed a number of consolidated and single replies.
3. After Defendants replies were filed, voluminous new information came to light during the course of the related criminal proceedings against Defendants Baugh and Harville. As a result, Plaintiffs filed a motion for leave to supplement their opposition to the motions to dismiss, which the Court granted. (Woodlock, J.).
4. On January 4, 2023, this Court granted Plaintiffs leave to file an Amended Complaint by February 15, 2023. (Woodlock, J.). As noted in the Court's Order, the voluminous information revealed in the parallel criminal cases cast light on further discovery that would aid in amending Plaintiffs' complaint, so the Court was giving Plaintiffs an opportunity to conduct "careful reconsideration for purposes of specific reframing" of the claims in Plaintiffs' original complaint.
5. While drafting the Amended Complaint based on the new information learned in the criminal case, Plaintiffs determined additional discovery would assist in amending the Complaint, including adding Defendants and claims.
6. During the past several weeks since the Court entered the Order with the February 15, 2023 due date for amending the Complaint, Plaintiffs first placed substantial effort into drafting the amended Complaint, but then shifted efforts into drafting a motion for limited discovery.
7. Plaintiffs filed the motion for limited discovery on Monday, February 13, 2023, including a request to extend the February 15, 2023 deadline for filing the Amended Complaint.

8. This Court denied the motion yesterday, February 14, 2023. Counsel received notice via ECF today, February 15, 2023.
9. While counsel has spent considerable time amending the Complaint, it is not in a position to file, and Plaintiffs have requested an opportunity to review the amended Complaint before filing.
10. For these reasons, Plaintiffs are respectfully requesting an additional fourteen days, to March 1, 2023, to file the Amended Complaint.

Wherefore, Plaintiffs respectfully request an extension of the deadline to file the Amended Complaint, for fourteen days, to March 1, 2023.

Respectfully submitted,
INA AND DAVID STEINER
By their attorney,

/s/ Rosemary Curran Scapicchio
Rosemary C. Scapicchio, BBO No. 558312
Law Office of Rosemary Scapicchio
107 Union Wharf
Boston, MA 02109
617.263.7400
Rosemary@Scapicchiolaw.com

Respectfully submitted,
STEINER ASSOCIATES, LLC
By its attorney,

/s/ Jillise McDonough
Jillise McDonough, BBO No. 688694
Law Office of Jillise McDonough
107 Union Wharf
Boston, MA 02109
617.263.7400
Jillise@Scapicchiolaw.com

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(a)(2)

Pursuant to Local Rule 7.1(a)(2), the undersigned counsel certifies that counsel for Plaintiffs conferred with counsel for each Defendant regarding this motion. Defendants Jim Baugh, Veronica Zea and Stephanie Popp, Stephanie Stockwell, and Devin Wenig assent to this motion. As of 2:00 P.M. today, the following Defendants have not responded to our request for an assent: (1) Defendant eBay; (2) Defendant PFC; (4) Defendant Steven Wymer; (5) Defendant David Harville; (6) Defendant Brian Gilbert; (7) Defendant Philip Cooke.

Dated: February 15, 2023

Signed: /s/ Rosemary Scapicchio

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each party and upon any party appearing pro se by complying with this Court's directives on electronic filing.

Dated: February 15, 2023

Signed: /s/ Rosemary Scapicchio